

E-FILED on 10/31/2012IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

12 JULIAN GONZALEZ,

No. C-11-06152 RMW

13 Plaintiff,

ORDER DENYING MOTION TO DISMISS

14 v.

15 MICHAEL J. ASTRUE, Commissioner, Social  
Security Administration

[Re Docket No. 21]

16 Defendant.

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18  
19 Defendant Commissioner moves to dismiss the complaint pursuant to Fed. R. Civ. P. 12.  
20 Specifically, defendant contends that plaintiff's complaint has omitted any identifying information  
21 regarding the decision for which plaintiff seeks review, leaving defendant unable to determine "what  
22 decision Plaintiff complains of, whether Plaintiff has exhausted administrative remedies, whether the  
23 decision is final, and whether the instant amended complaint is timely." Dkt. No. 21 at 3.

24 Plaintiff responds that his complaint is identical to this court's form complaint for social  
25 security cases and that defendant's concerns are more properly the subject of a motion for more  
26 definite statement under Rule 12(e). Consistent with Rule 5.2(a), which restricts the filing of certain  
27 personal information, the court's form "Social Security Complaint For Judicial Review Of Decision  
28 By Commissioner" only requires the last four digits of the claimant's social security number. *See*

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1 http://www.cand.uscourts.gov/civilforms. Defendant also complains that plaintiff did not plead the  
2 date of the decision, though again that is not called for by the court's form complaint. Moreover, the  
3 same week this motion was filed, plaintiff's counsel was contacted by an employee from the Social  
4 Security Administration, and, after he provided plaintiff's full social security number and confirmed  
5 the date of the ALJ hearing, he was told that was all the information she needed. *See* Dkt. No. 22-1  
6 (Decl. of Tom Weathered).

7 Defendant has not filed a reply or otherwise explained what further information he seeks. In  
8 light of plaintiff's counsel's previous conversation with the Social Security Administration and his  
9 representation that he is willing to provide any additional identifying information informally, the  
10 court finds defendant should have adequate information to prepare a response. Accordingly, the  
11 motion to dismiss is DENIED, and defendant is hereby ordered to serve and file an answer, together  
12 with a certified copy of the transcript of the administrative record, within thirty (30) days of the date  
13 of this order.

14  
15 DATED: October 31, 2012

  
RONALD M. WHYTE  
United States District Judge